

Subject: Fwd: Legislature should fix the Harmful Repercussions Created by Prop 47

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Date: 01/13/2016 06:29 AM

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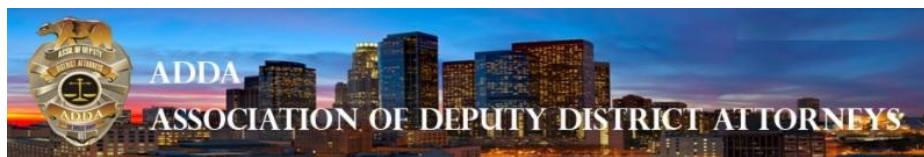
From: "Association of Deputy District Attorneys" <newswatch@laadda.com>

Date: January 13, 2016 at 5:31:48 AM PST

To: "ROBERT ARCOS" <robert.arcos@lapd.lacity.org>, "" <newswatch@laadda.com>

Subject: Legislature should fix the Harmful Repercussions Created by Prop 47

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Legislature should fix the Harmful Repercussions Created by Prop 47

By Marc Debbaudt

Prop 47 has unleashed a torrent of harmful repercussions that the creators of this impetuous piece of legislation never considered - and have yet to take responsibility for or address. It is now time that the California Legislature fix some of the most glaring flaws.

I have expressed my disdain for this ludicrous piece of social engineering that purportedly would create safer neighborhoods and schools across the state. It is becoming increasingly evident that the complete opposite has occurred. Innocent people are incurring heavy costs -physical and emotional - while criminals are reaping the rewards due to a lack of punishment and no incentive to abide by the law or be well-functioning members of society.

Many community organizations and stakeholders have borne the brunt of Prop 47's costs and consequences. These include the community as a whole, residents, retail establishments, law enforcement agencies, other members of the criminal justice system, as well as rehabilitation and treatment centers.

Outlined below are the major areas in which substantial negative impact has been documented due to the passage of this legislation, whether it be through physical and emotional suffering, increasing monetary costs, and increasing crime rates resulting from no clear punishments or repercussions.

Community

- Since the passage of Prop 47, close to 4,000 inmates have had their sentences reduced and have been released from state prisons into our communities.
- In the city of Los Angeles, violent crimes such as aggravated assaults and robberies soared 20.6 percent through the first nine months of 2015 compared with the same period in the previous year. Property crimes such as burglaries

and motor vehicle thefts rose 10.9%

- Of the nearly 4,500 people that L.A. County Sheriff's deputies arrested for Prop 47 crimes since the initiative's implementation in November 2014, more than 460 have been arrested again - some on multiple occasions (May 2015). This means that people who theoretically would have been behind bars for the crimes they had committed are roaming the streets and continuing to victimize innocent and law-abiding residents.
- The toll of these crimes on the victims does not end when the crime is completed. When a criminal steals property, takes an identity to commit a theft, or forges checks, the victim suffers a loss of personal privacy and security that lingers. It takes valuable time to contact the authorities, banks, creditors, and businesses - not to mention to regain (if at all possible) the sense of security and privacy that the victims once had.

Criminal Justice System

- No matter what your criminal history may be - even if you have served time for a serious or violent crime - you can no longer be sent back to prison if convicted of a new theft or drug crime because they have been reclassified as misdemeanor offenses. Basically, an individual's prior criminal history is no longer considered in determining whether an offense should be prosecuted as a felony since Prop 47 offenses, with limited exceptions, can only be misdemeanors, meaning state prison is no longer a possible punishment or deterrent.
- According to the LAPD and LA County Sheriff's Department, narcotic-related arrests in those two departments have decreased by nearly 50%. Officers realize the time spent arresting narcotic offenders for misdemeanor crimes is a waste of time because there is virtually no punishment and no chance for drug treatment.
- Sheriff Jim McDonnell wrote an article that details how "[Thanks to Prop. 47, Californians are less safe than they were a year ago.](#)"
- The costs to prosecute these crimes haven't just magically disappeared. To the extent they are being prosecuted by City Attorneys, the costs have just been shifted from the County District Attorney to other local agencies. That is not savings; that is merely a shift of costs from the County to the City. Reclassifying a crime from a felony to a misdemeanor does not change the associated court costs. These costs are experienced throughout the criminal justice system, include paying for courts, prosecutors, public defenders, clerks, court reporters, jurors, bailiffs, transportation from jails to courts, etc.

Rehabilitation and Treatment Facilities

- Due to Prop 47's passage, the criminal justice system lost all leverage to mandate rehabilitative drug programs. There is no longer any incentive for an offender to accept a court-ordered 18-month to two-year intensive treatment program when the actual maximum consequence for a drug conviction is only six months in county jail. Few receive the maximum unless they lose after going through a jury trial.
- Treatment program enrollments are down 60% in L.A. County, and addicted offenders are not getting the treatment they desperately need because they don't have to attend and complete a rehab program. The social engineers of this policy claimed that it was about rehabilitation, yet there is no rehabilitation taking place.
- In 2013, 60% of adult males booked into jails across the country tested positive for drugs, regardless of their offense (LA Times). It is undisputed that drug use increases the odds of criminal activity, yet no policy scheme has been created that addresses this problem.
- Drug addicts now often escape punishment for crimes they commonly commit to support their habits, such as shoplifting, writing bad checks and any thefts under \$950 - even of guns. This leniency in punishment only helps to facilitate criminal behavior and does nothing at all to address the root cause of the problem - drug addiction.
- Perhaps the beliefs that we cannot simply incarcerate our way out of our

nation's drug problem and that rehabilitation is the key, have merit. However, rehabilitation cannot work when those who need it do not have to attend the programs designed to accomplish this goal.

Sex Crimes & DNA

- Proposition 47 took away a critical asset to fight sex crimes when it reduced the penalty for possession of date-rape drugs to a misdemeanor. The only reason to possess a date-rape drug is to commit a heinous crime. So, why would you allow possession of the drug that facilitates this crime to go unpunished? This legislation gives these criminals a free pass to commit their crimes by ignoring this obvious way to potentially prevent them from occurring.
- Thousands of fewer DNA samples are being taken from suspects every month because state law permits police to collect DNA only from felony suspects. This will not only make it much harder, if not impossible, to solve old cases such as murder and rape, but the percentage of future violent crimes that could have been solved quickly through DNA matches will decrease dramatically.

Critics have cried out that the U.S. corrections system is simply a "revolving-door" that does not work or help to address the root causes of criminality. Prop 47's answer is to simply remove the door--- to release those who commit crimes and permit them to freely roam our streets without consequence for their actions. A policy premised on a different approach to treating criminals has instead devolved in actual practice into no punishment and no rehabilitation, which is an indisputable and fatal flaw.

Prop 47 has not only sacrificed law-abiding citizens, but it also has yet to deliver on its intended goal of changing the behavior of drug addicts and thieves. Releasing thieves to commit more crimes and allowing drug offenders to roam freely in the community without mandating and imposing treatment does absolutely nothing to change criminal behavior. It is simply reckless.

At this point, the question going forward has to be: What do we value more? Do we value the repeat drug offenders who steal and assault others to feed their habit, or the law-abiding residents who are the victims of these criminals? The common sense answer seems obvious to me.

For factual information, please read our previous blogs that detail the various problems with Prop. 47 (1) [The Public and Private Deception of Prop 47](#) (2) [California's Proposition 47 - The LA Times Cost Savings Myth](#) (3) [Proposition 47 lottery: When will your crime victim number be called?](#) (4) [Reaping the Bitter Rewards of Proposition 47](#) and related blogs (5) [Punishment, Not Programs](#) (6) [What Realignment Has Done to Restitution Collection and How It Can Be Fixed](#) and (7) [Why are victims playing second fiddle to convicted criminals?](#)

Marc Debbaudt is President of the [Association of Los Angeles Deputy District Attorneys](#). He can be contacted at mdebbaudt@laadda.com. The view and opinions expressed in this article are those of the author and do not necessarily reflect the official policy or position of ADDA, which represents nearly 1,000 Los Angeles Deputy District Attorneys.

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